

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☒ INFORMATION ☐ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 18 U.S.C. § 2423(c) - Engaging in Illicit Sexual Conduct in Foreign Places; ☐ Petty
 18 U.S.C. § 2252(a)(4)(B) - Possession of Child Pornography ☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Count 1: 30 years imprisonment; \$250,000 fine; 5 years (lifetime max.) supervised release; \$100 special assessment. Count 2: 10 years imprisonment; \$250,000 fine, lifetime supervised release and \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

FILED
APR - 8 2008**DEFENDANT - U.S.**

LEONARD B. AUERBACH

 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

DISTRICT COURT NUMBER

CR08-0227

CW

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

IMMIGRATION & CUSTOMS ENFORCEMENT
☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE
SHOW
DOCKET NO.
☐ this prosecution relates to a pending case involving this same defendant
MAGISTRATE
CASE NO.
☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

 Name and Office of Person
 Furnishing Information on this form JOSEPH P. RUSSONIELLO
☒ U.S. Attorney ☐ Other U.S. Agency

 Name of Assistant U.S.
 Attorney (if assigned) ANDREW S. HUANG, AUSA
IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

 1) ☒ If not detained give date any prior summons was served on above charges

 2) ☐ Is a Fugitive

 3) ☐ Is on Bail or Release from (show District)
IS IN CUSTODY
 4) ☐ On this charge

 5) ☐ On another conviction

☐ Federal ☐ State

 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted
ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**
☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

E-filing

FILED

APR - 8 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
LEONARD B. AUERBACH,
Defendant.

No. **CR08-0227** CW

VIOLATION: 18 U.S.C. § 2423(c) –
Engaging in Illicit Sexual Conduct in
Foreign Places; 18 U.S.C. § 2252(a)(4)(B) –
Possession of Child Pornography

OAKLAND VENUE

INFORMATION

The United States Attorney charges that:

COUNT ONE: (18 U.S.C. § 2423(c) – Engaging in Illicit Sexual Conduct in Foreign Places)

Beginning no later than on or about September 22, 2004, and continuing to at least on or
about April 9, 2007, the defendant,

LEONARD B. AUERBACH,

a citizen of the United States, did travel in foreign commerce and did knowingly engage with
another person in illicit sexual conduct, as that term is defined at 18 U.S.C. §§ 2423(f) and 2246,
all in violation of Title 18, United States Code, Section 2423(c).

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INFORMATION

COUNT TWO: (18 U.S.C. § 2252(a)(4)(B) – Possession of Child Pornography)

On or about August 6, 2007, in the Northern District of California, the defendant,
 LEONARD B. AUERBACH,
 did knowingly possess matters which contained visual depictions that had been shipped and
 transported in interstate and foreign commerce, by any means including by computer, and which
 were produced using materials that had been transported and shipped in interstate and foreign
 commerce, knowing that the producing of such visual depictions involved the use of a minor
 engaging in sexually explicit conduct and that such visual depictions were of such conduct, all in
 violation of Title 18, United States Code, Section 2252(a)(4)(B).

FORFEITURE ALLEGATION: (18 U.S.C. §§ 2253 and 2428 – Criminal Forfeiture)

Upon conviction of the offenses alleged in this Information, the defendant,
 LEONARD B. AUERBACH,
 shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 2253 and
 2428, all visual depictions described in Title 18, United States Code Section 2252, and all
 property, real and personal, used and intended to be used to facilitate, commit and promote the
 commission of the offenses of conviction, including but not limited to the following:

- a. \$250,000, representing a portion of proceeds from the sale of the defendant's interest in Beautiful Beach House, Ltd., which owned and controlled a home located at the Hacienda Pinilla Beach resort in Costa Rica;
- b. 120 GB hard drive (seized by the government on August 6, 2007);
- c. Sony VAIO laptop computer with 80 GB hard drive and serial number J001 WRA8 (seized by the government on August 6, 2007);
- d. 1 GB PNY brand flash drive (seized by the government on August 6, 2007);
- e. 512 GB PNY brand flash drive (seized by the government on August 6, 2007);

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INFORMATION

- 1 f. Any other property that the government seized from defendant's home in
2 Orinda, California on August 6, 2007 that has been determined to
3 constitute or contain sexually explicit images of minors, including any
4 computers or computer storage devices.

5 DATED: April 7, 2008

JOSEPH P. RUSSONIELLO
United States Attorney

6 
7 W. DOUGLAS SPRAGUE
8 Chief, Oakland Division

9 (Approved as to form: )
10 ANDREW S. HUANG
11 Assistant United States Attorney
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INFORMATION